

A. G. Contract No. KR93 2327 TRN  
ECS File: JPA 94-21  
JPA File: 93-121  
Project: CM-900-0(81)/H3658 01X  
Program: Bicycle Racks and  
Lockers (MAG)

**INTERGOVERNMENTAL AGREEMENT**  
BETWEEN  
THE DEPARTMENT OF TRANSPORTATION  
AND  
THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY

THIS AGREEMENT is entered into 22 November, 1993, pursuant to Arizona Revised Statutes 11-952 through 11-954, as amended, between the ARIZONA DEPARTMENT OF TRANSPORTATION acting by and through its TRANSPORTATION PLANNING DIRECTOR, (the "ADOT") and the MARICOPA COUNTY BOARD OF SUPERVISORS, REGIONAL PUBLIC TRANSPORTATION AUTHORITY, acting by and through its Executive Director (the "RPTA").

I. RECITALS

1. The ADOT is empowered by Arizona Revised Statutes Section 28-108 and 28-112 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the ADOT.

2. The RPTA is empowered by Arizona Revised Statutes Section 28-2513 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the RPTA.

3. The ADOT has direct responsibilities with respect to air quality and congestion management in the metropolitan areas of the state, and is a sponsor of the Phoenix Valley-Wide Clean Air Force. The RPTA has successfully participated in the activities of the MAG Regional Bicycle Task Force (the Program). One of the efforts is to encourage alternative forms of transportation, including bicycling instead of the single occupant vehicle. This agreement is to define the terms and responsibilities of each of the parties relating to purchasing and installing public bicycle racks and lockers during fiscal year 1994.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. <u>18225</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>11/22/93</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Vicky J. Greenwood</u>

## II. SCOPE

### 1. The ADOT will:

Provide the RPTA Federal CMAQ funds in the amount of up to \$56,931.00 for activities performed directly relating to the Program during the period 1 October 1993 through 30 September 1994. Retain the option to review and approve any progress/final reports.

### 2. The RPTA will:

a. In compliance with State procurement procedures, request competitive bids for bicycle racks and lockers, and obtain and insure installation of same in various public locations within the MAG region, including Scottsdale, Tempe, Mesa and Gilbert.

b. In conjunction with other programs, promote public awareness of the pollution reduction benefits of using various alternative modes of transportation, including bicycling instead of the single occupant motor vehicle.

c. No more often than monthly, invoice ADOT for the reasonable direct actual costs of the bicycle racks and lockers, in an amount not to exceed \$56,931.00, and provide the required match funds. During September 1994, provide a final report summarizing the Program, Program results, and RPTA's evaluation and recommendations for the future Program. Send reports to ADOT, Local Programs Branch, 206 S. 17th Ave., Mail Drop 320B, Phoenix, AZ 85007.

## III. MISCELLANEOUS PROVISIONS

1. The only interest of the ADOT in this agreement is to convey federal pass through funds for the use and benefit of the RPTA by reason of State and Federal law under which funds for the activities are authorized to be expended.

2. This agreement shall remain in force and effect until completion of said activities and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

3. Should the work contemplated under this agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended, a proportionate amount of the funds provided shall be reimbursed to the ADOT.

4. This agreement shall become effective upon the obligation of federal funds and filing of this agreement with the Secretary of State.

5. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

8. All notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

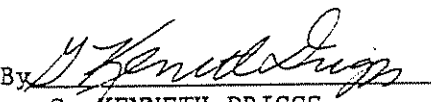
Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Room 222E Mail Drop 616E  
Phoenix, AZ 85007

Regional Public Transportation Authority  
Executive Director  
302 N. 1st Avenue Suite 700  
Phoenix, AZ 85003

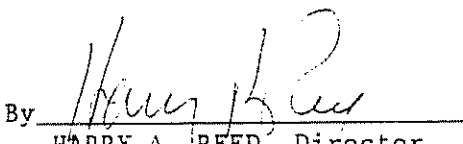
9. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**REGIONAL PUBLIC  
TRANSPORTATION AUTHORITY**

By   
G. KENNETH DRIGGS  
Executive Director

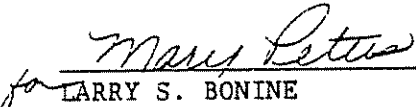
**STATE OF ARIZONA  
Department of Transportation**

By   
HARRY A. REED, Director  
Transportation Planning

RESOLUTION

BE IT RESOLVED on this 15th day of September 1993, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Transportation Planning Division, to enter into an agreement with the Regional Public Transportation Authority for the purpose of defining responsibilities for the procurement and installation of bicycle racks and lockers in MAG regional public places to encourage alternative forms of transportation.

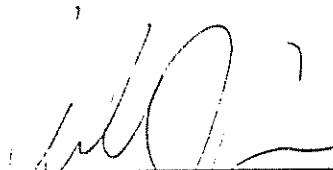
Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Director, Transportation Planning Division.

  
for LARRY S. BONINE  
Director

APPROVAL OF THE MARICOPA COUNTY  
REGIONAL PUBLIC TRANSPORTATION AUTHORITY ATTORNEY

I have reviewed the attached proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the REGIONAL PUBLIC TRANSPORTATION AUTHORITY and declare this agreement to be in proper form and within the powers and authority granted to the Authority under the laws of the State of Arizona.

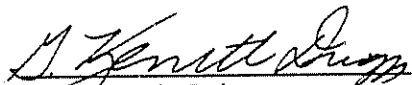
Date and signed this 27th day of June, 1993.

  
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Meyer, Hendricks, Victor, Osborn and Maledon  
Attorneys for RPTA

**RESOLUTION**

**BE IT RESOLVED** on this date, October 28, 1993, I, G. KENNETH DRIGGS, the below undersigned Executive Director, Regional Public Transportation Authority, hereby determine that it is to the advantage of the Regional Public Transportation Authority acting by and through its Board of Directors, and the State of Arizona acting by and through the Department of Transportation, to enter into an Intergovernmental Agreement for the purpose of funding the Bicycle Racks and Lockers project as a means to encourage the use of alternative modes of transportation in accordance with Chapter 365, Laws of 1987.

Dated and signed this 28th day of October, 1993.

  
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G. Kenneth Driggs  
Executive Director  
Regional Public Transportation Authority



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR93-2327-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 15<sup>th</sup> day of November, 1993.

GRANT WOODS  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsc  
8290G